INVESTIGATIVE SUMMARY

Tuesday, April 8, 1997, Sergeants Henry Romero, Tim Curtis and Paul Stemmler of the Internal Affairs Bureau (I.A.B.), responded to Men's Central Jail (MCJ) to investigate the in-custody death of Inmate Mario Simpson. I.A.B. Lieutenant Willa Glover met the investigators at MCJ where they met Homicide Lieutenant, Ray Peavy and investigators, Sergeant Ray Rodriquez and Deputy Ron Bosket. Lieutenant David Tellez, the MCJ Watch Commander, briefed the incident to everyone present.

The summary of this incident is based on the briefing, a video tape depicting the incident and reports and memoranda contained in this force review packet. The investigators gathered the additional facts of this case through deputy and witness interviews.

SYNOPSIS OF INCIDENT

The medical staff requested the removal of Inmate Simpson from Module 4600 to 7000, specifically to the Forensic Inpatient Program. Inmate Simpson refused to come out of his cell voluntarily so the MCJ Red Extraction team was activated and deployed to move Inmate Simpson out. Upon completion of the extraction, Inmate Simpson went into distress. They transported him to the MCJ clinic where CPR was initiated. Paramedics were summoned and they transported him to Los Angeles County Medical Center where he was subsequently pronounced dead.

TERMINOLOGY

Extraction Team - specially trained teams, comprising eight deputies, that use special tactics and equipment to remove a recalcitrant inmate from a cell.
Team Leader - liaisons with the Watch Commander, develops tactics for inmate extraction, and provides team leadership. In the team configuration, the team leader is the fifth deputy to enter the cell and the deputy giving the inmate specific commands.
Shield Deputy - first two deputies to enter the cell. Both have concave shields used to pin the inmate to the wall, bed or floor until the other team members can begin securing limbs by means of physical force.
Capture Deputy - the third and fourth deputies into the cell. They are specifically designated to capture limbs, usually the feet.
Video Deputy - the first deputy to respond to the scene of a possible extraction. This deputy's job is to film the incident from beginning to end.
ARWEN Deputy - deputy armed with an ARWEN gun. This gun shoots 4" rubber batons at a velocity of 175 f.p.s. and is designated as less lethal force.
37 mm Stinger Round Deputy - deputy armed with a Stinger Round gun. This gun is loaded with a cartridge that disperses 140, ⅜" rubber ball projectiles at a velocity of 325 f.p.s. and is designated as less lethal force.
Cuff up - a phrase used by deputies to say they want an inmate to submit to voluntary handcuffing by personnel.
TST chain - chain used by our Transportation Deputies when transporting prisoners. It comprises a six-foot chain with a set of handcuffs at both ends.

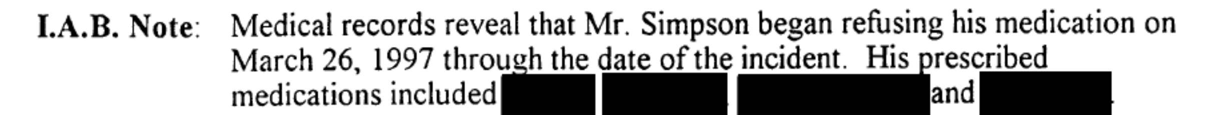
BACKGROUND OF INMATE

Mr. Mario Simpson is a six foot, two inch, four hundred and ninety-five-pound, thirty four year old, male black, [redacted]

[redacted]

SUMMARY OF INCIDENT

Tuesday, April 8, 1997, Mr. Dante Rosete, RNC, a mental health clinician, went to 4600 to assess Inmate Simpson. Mr. Rosete had received a 4011.6 referral from the Los Angeles County Municipal Court, Division 37, requesting the assessment because the court had questions about Mr. Simpson's mental health. After unsuccessfully attempting to communicate with Mr. Simpson, noting the filthy conditions of the cell that included trash and feces, and examining Simpson's medication records that showed Mr. Simpson refusing to take his medication, Mr. Rosete concluded that Simpson was unable to care for himself and posed a danger to himself.



I.A.B. Note: Medical records reveal that Mr. Simpson began refusing his medication on March 26, 1997 through the date of the incident. His prescribed medications included [redacted] [redacted] [redacted] and [redacted].

Mr. Rosete then filled out the *Application for 72-Hour Detention for Evaluation and Treatment* form. He cited the above reasons and concluded that Mr. Simpson was a "gravely disable adult" and additionally "a danger to others." What this meant, here, was that Mr. Simpson had to be transferred from Module 4600 to the Forensic Inpatient Program up on the 7000 floor of the jail, where they could monitor him more intensely, place him in restraints, if necessary and forcefully medicate him, if necessary. Mr. Rosete then attempted to carry out the detention order by asking Mr. Simpson to leave his cell voluntarily so that they could take him to another part of the jail and provide better care for him. Inmate Simpson refused. All this occurred on day shift. At the end of the shift, Mr. Simpson was still in 4600, so Mr. Rosete briefed Dr. Dirk Kuiken of the situation.

Dr. Kuiken went to Module 4600 and attempted to speak to Mr. Simpson to get him to move voluntarily out of 4600. Mr. Simpson's remarks were non responsive and he rambled incoherently. Dr. Kuiken also noticed the cells filthy conditions. Dr. Kuiken left 4600 after unsuccessfully communicating with Inmate Simpson. He was subsequently summoned back to 4600 where he met Lieutenant Tellez. They conferred over the need to move the inmate and he told the lieutenant that the 72-hour Detention Order called for the inmate's movement to 7000 where they had a bed waiting for the inmate in the Forensic Inpatient Program. He also told the lieutenant that without medication, the inmate would further deteriorate placing him in danger. Lieutenant Tellez left him for a short while to confer with other deputies in the main hallway. Upon Lieutenant Tellez return, both he and Dr. Kuiken attempted to talk to Inmate Simpson. They spoke to the inmate for several minutes attempting to offer the inmate other solutions to resolve this situation before it escalated. The inmate refused to cooperate. Dr. Kuiken then left the area and went into the module officer's booth where he watched the extraction team's operation.

Sergeant Rick McClung, the PM 4000 Floor Sergeant, was briefed of the situation by Sergeant Mark Winters, the Day 4000 Floor Sergeant. McClung went in and spoke with the inmate for a few minutes but the inmate continued being unresponsive. Sergeant McClung had a meeting to attend, so he told Sergeant Winters, who was working overtime and was staying over, that he would handle the situation when he came back. At about 1530 hours, when Sergeant McClung returned, Sergeant Winters told him that it appeared that an extraction team was going to be necessary to move the inmate out. Both walked to the Watch Commander's office where they

briefed Lieutenant Tellez of the situation. Lieutenant Tellez authorized the activation of an extraction team. Sergeant Winters, activated the Red Extraction Team and briefed Deputy Mark Trainor, the team leader. Meanwhile, Lieutenant Tellez and Sergeant McClung went to 4600. Before going to 4600, Lieutenant Tellez summoned Dr. Kuiken and asked that he meet him in 4600 to discuss the situation.

Sergeant Winters immediately deployed the video deputy, Elwood Crane, to 4600, to begin taping the incident. The remaining team members, Deputies Mark Trainor, "team leader," Carl Landrum and Chris Bronowicki, "shield deputies," Ted Caraisco and David Kramer, "capture deputies," Ed Griffin, "ARWEN deputy" and Bernard Shockley, "37 mm Stinger Round deputy," also began arriving and began preparing themselves for the task at hand. Sergeant Winters then briefed Deputy Mark Trainor and told him that a 6' 2", 400 pound male inmate, in 4600, had been drinking his own urine, eating his own feces and throwing it at deputies and medical staff. Additionally, Winters also told Trainor that the inmate has been displaying much violent behavior, and for the past two days, the inmate refused to take the medication provided by the medical staff. Without his medication the inmate was deteriorating rapidly. The psychologist, Dr. Kuiken, had evaluated the inmate and it was the doctor's belief that the inmate needed to be transferred up to 7000 for further medical psychological evaluation. After receiving this information, Trainor took his team to 4600 and waited in the main hallway for further instructions. Before returning to 4600, Sergeant Winters called the clinic and asked that they send a nurse to 4600 as a precaution to the impending extraction.

Lieutenant Tellez, after conferring with the doctor, concluded that an extraction was necessary, so he went into the main hallway and spoke to Deputy Trainor. He related his conclusion to Deputy Trainor. Deputy Trainor and Lieutenant Tellez then discussed the tactics that might be necessary to employ during the extraction. The plan would begin with a show of force. The whole team, suited up and prepared, would stand behind the team leader while the team leader attempted to gain compliance from the inmate with the use of verbal commands. If that was not successful and the inmate's hands were not visible, Deputy Trainor then would order the deployment of the 37-millimeter stinger, two shots below the inmate's knee. Department policy allowed this type of force based on a high risk situation. The fact that the inmate was non compliant, coupled with the inmate's enormous size, the fact that the inmate's hands were not visible and the fact the inmate could be armed with a weapon, made this situation high risk. Lastly, the team would make entry and extract the inmate. The only modification Deputy Trainor made to the team configuration was that instead of having two shield deputies, only one would be used for this extraction because the one man cell was small (12' x 6') and two shield deputies would be more of a hindrance than an advantage. Lieutenant Tellez concurred with the plan; so Deputy Trainor returned to the team to brief them of the situation and to discuss the tactics to be used.

Lieutenant Tellez reentered 4600. At this point, Deputy Crane was filming Sergeant McClung as he tried to gain the inmate's cooperation. After a few minutes, Deputy Crane filmed Lieutenant Tellez and the doctor as both attempted to gain the inmate's compliance. The extraction team entered 4600 and waited in the sallyport for further instructions. A few minutes later, Lieutenant Tellez walked over to Deputy Trainor and authorized him to begin extraction procedures. Additionally, Nurse Lei Cheung had arrived and Sergeant Winters told her to wait in the main hallway just outside 4600.

I.A.B. Note: See exhibits, Homicide Book, P. 53, for a drawing of the area.

DEPLOYMENT OF FORCE

The extraction team entered Baker Row and took a position in front of cell #2, Inmate Simpson's single man cell. Mr. Simpson was lying down on his bunk covered by a white sheet. This was the same position he had been in when everyone else also attempted to speak to him. His hands were not visible and this concerned Deputy Trainor. Deputy Trainor, with the entire team behind him, asked Inmate Simpson to get off his bunk, approach the bars and allow himself to be handcuffed. He asked Mr. Simpson twice; however, Mr. Simpson said "no" both times. Deputy Trainor gave Deputy Shockley the signal to fire the 37-mm Stinger Round. Shockley fired two rounds from the Stinger Round and both rounds struck Mr. Simpson below his knees. Mr. Simpson did not respond to the fired rounds. Deputy Trainor then signaled the module deputy to open the gate.

The team made a dynamic entry into the cell in the following order: Deputy Landrum, Deputy Bronowicki, Deputy Kramer, Deputy Caraisco and Deputy Trainor. Deputy Landrum, using the shield, immediately pinned Mr. Simpson to his bunk. Deputy Trainor began telling Mr. Simpson to stop resisting and submit to the handcuffing. Mr. Simpson attempted to push the shield off him and kicked both of his legs. Within a few seconds, Deputy Bronowicki grabbed the first available appendage, which was Mr. Simpson's left arm. Deputy Kramer captured Mr. Simpson's kicking right leg and Deputy Caraisco captured the left leg that was also kicking. It took them a few seconds to secure Mr. Simpson's legs because Mr. Simpson was kicking his legs. Deputy Trainor then ordered the shield out of the cell and told the team to roll Mr. Simpson off his bunk and onto a blanket that was on the cell floor, where they would handcuff the inmate. The team complied. Meanwhile, Deputy Trainor continued telling the inmate to stop resisting and submit to the handcuffing. Mr. Simpson did not comply and continued resisting the deputies' efforts to control and handcuff him.

The team not only had to contend with Mr. Simpson's massive size, but also with a cell floor made slippery by the human feces and urine strewn about it. The deputies began their quest to control and handcuff Mr. Simpson. Deputy Trainor continued issuing verbal commands to Mr. Simpson. However, Mr. Simpson remained non compliant. Using physical force, Deputy Kramer and Deputy Bronowicki, overcame Mr. Simpson's resistance to control his left arm, and they successfully handcuffed Mr. Simpson's left arm. However, Mr. Simpson pinned his right arm underneath his chest. By rocking Mr. Simpson from side to side and again using physical force to overcome his resistance, Deputy Kramer finally pulled the right hand free and attempted to handcuff it to the left wrist. Unfortunately, because of Mr. Simpson's enormous size, both wrists could not be secured with a single set of handcuffs. Deputy Trainor asked for the TST chain, received it and handed it to Deputy Kramer. Deputy Kramer handuffed Mr. Simpson's right wrist with the TST chain and the free cuff on both wrists were secured together. Simultaneously, Deputy Caraisco was attempting to hobble Mr. Simpson's legs. With the assistance of Deputy Kramer, he successfully hobbled Mr. Simpson and then T.A.R.P.ed him. Due to Mr. Simpson's large legs, one leg slipped out of the hobble restraint. Rather than securing his leg again, Deputy Trainor, ordered the team to take Mr. Simpson out of the cell. They pulled Mr. Simpson from his cell and immediately placed him on his left side to ease him with his breathing. Deputies Landrum and Kramer held Mr. Simpson up on his left side.

MEDICAL ASSESSMENT

Deputy Kramer noticed that Mr. Simpson's eyes were open and he was blinking his eyes. Deputy Trainor checked for and located a pulse on Mr. Simpson. Sergeant McClung, using his flashlight, checked Mr. Simpson's eyes and conducted a pupil reaction test. Both of Mr. Simpson's pupils reacted to the different light intensities. However, Mr. Simpson was not responding to verbal stimuli. The dilemma at this point was, how to get Mr. Simpson up a short flight of stairs and onto a gurney in the sallyport. Normally, blankets had been used in the past, as portable gurneys

to transport inmates from an upper or lower level to the sallyport. In this instance, again because of the inmate's large size, the deputies believed that the blankets were not big enough for them to get a good grip or strong enough to support Mr. Simpson's weight. Fortunately, Deputy Glen Walsh, one of MCJ's training deputies, remembered that they had just received a flexible gurney for evaluation. He felt that this would be a good time to measure this new tool, so he advised the team and went to get it from the training office, which is on the (other) old side of the jail.

When Nurse Cheung came in, she noticed that Mr. Simpson's eyes were blinking. She then attempted to place the blood pressure cuff around Mr. Simpson's arm but his arm was so large that the cuff would not wrap around it. Cheung then attempted verbal stimuli, but Mr. Simpson did not responsd. She then attempted physical stimuli by tapping Mr. Simpson's cheeks and shaking his head with her hand. Again Mr. Simpson did not respond. She then used her stethoscope to determine if Mr. Simpson had a heartbeat. Both Deputy Kramer and Landrum heard her say that Mr. Simpson had a heart beat. Nurse Cheung then began walking up the stairs when several deputies asked if she had smelling salts. She gave the smelling salts to Deputy Kramer who used them in an attempt to get a reaction from Mr. Simpson. Mr. Simpson still did not respond. By this time, Deputy Walsh had returned with the flexible gurney. They placed Mr. Simpson on the flexible gurney, took him upstairs, and placed him on the regular gurney. Deputy Walsh saw the nurse check Mr. Simpson's eyes and there was no reaction to light at this point. They immediately rolled him to the MCJ clinic and summoned for paramedics.

En route to the clinic Nurse Cheung used an ambo bag to assist Mr. Simpson with his breathing. Deputies asked the nurse if they should begin CPR on Mr. Simpson. The nurse replied yes so a deputy began chest compression while they were in the elevator. They stopped giving Mr. Simpson CPR when they again began rolling him down the hallway to the clinic. When they arrived at the clinic, the nursing staff asked the deputies to unhandcuff Mr. Simpson. They complied. Then a nurse asked deputies for help in performing CPR on Mr. Simpson. Deputy Walsh, Deputy Tony Forlano and Deputy Alfred Alcala, all took turns with chest compressions, while the nursing staff gave Mr. Simpson oxygen. Paramedics from Los Angeles City Fire Rescue #2 arrived and took over resuscitation efforts. They transported Mr. Simpson to Los Angeles County Medical Center (LCMC). At LCMC, emergency room personnel, led by Dr. Henderson, treated Mr. Simpson. Dr. Henderson subsequently pronounced him dead at 1743 hours.

I.A.B. Note: See exhibits, Homicide Book, P. 20-22, for names of all medical staff who were present in the MCJ clinic. See P. 40 for the names of the LCMC staff.

CAUSE OF DEATH

On July 11, 1997, homicide investigators received a telephone call from Doctor James Ribe of the Coroner's Office. Doctor Ribe said that they were ruling Mr. Simpson's death as a "homicide." The cause of death was "positional asphyxia" due to the restraint procedures. The doctor also listed the following contributing factors: morbid obesity, cardiomegaly (enlarged heart), and psychosis. The coroner's report will be available after August 4, 1997 (Coroner's Case 97-02601).